

**City of Saratoga Springs
Planning Commission Meeting
June 9, 2016**

Regular Session held at the City of Saratoga Springs City Offices
1307 North Commerce Drive, Suite 200, Saratoga Springs, Utah 84045

Minutes

Present:

Commission Members: Kirk Wilkins, Sandra Steele, Hayden Williamson, David Funk, Ken Kilgore, Troy Cunningham

Staff: Kimber Gabryszak, Planning Director; Mark Christensen, City Manager; Sarah Carroll, Senior Planner; Kevin Thurman, City Attorney; Gordon Miner, City Engineer; Jamie Baron, Planner I; Nicolette Fike, Deputy Recorder

Excused: Brandon MacKay

Call to Order - 6:30 p.m. by Chairman Kirk Wilkins

1. Pledge of Allegiance - led by Senior Planner Carroll

2. Roll Call – A quorum was present

3. Public Input

Public Input Open by Chairman Kirk Wilkins

No input was given.

Public Input Closed by Chairman Kirk Wilkins

4. Amendment to the Annexation Expansion Area of the City's Annexation Policy Plan

Senior Planner Carroll advised the Planning Commission that Notice of this public meeting was mailed to affected entities at least 14 days before the meeting. This public meeting will allow affected entities to examine the proposed amendment to the annexation policy plan and comment for 10 days prior to a public hearing. We are anticipating an annexation petition for this property.

Commissioner Kilgore asked if the first ordinance in the packet was the existing and if it would be updated. Senior Planner Carroll replied they hadn't intended to update those, just the map at this time. Commissioner Kilgore asked about flood or fire history of the parcel, it may be helpful. City Attorney Thurman replied it wouldn't need to be in the Annexation Policy Plan. It would be helpful but not required for petition; the City Council can approve any petition as long as it can be shown to improve the general welfare.

Commissioner Wilkins asked about this section in Lehi, and if the owners had the right to petition. Senior Planner Carroll replied it was in the County currently. Our boundary plans can overlap and the property owners would have the choice. City Attorney Thurman advised that both municipalities shall work to avoid any overlapping areas. In this case the applicant has asked about annexing in to our City which is why we are updating the annexation plan. Commissioner Wilkins noted another area where our annexation plan goes into the mountain area and asked when that might be annexed. Senior Planner Carroll advised that annexations generally happen on an applicant basis, the City isn't actively pursuing annexations.

5. Work Session: Accessory Dwelling Units Code Amendments.

Planner I Baron held a discussion of Code Amendments pertaining to Accessory Dwelling Units (ADU). He noted the Building Official had provided some answers to previous questions which were included in the packet.

Commissioner Wilkins asked about the 6 inch holes that were commented on in the building inspector notes. Planning Director Gabryszak replied that that referred to if there wasn't separate air then there is an opening for an air vent where the air is circulating through and if there are all those openings then you can't maintain a 1 hour fire separation. Commissioner Steele gave an example of noxious fumes that could leach to another unit. Commissioner Wilkins asked if we were going to deny anyone that already had their basement done. Planner I Baron replied they had the option to retrofit. Commissioner Wilkins asked if it was that way in other cities. City Manager Christensen replied there were those requirements in other cities. There are a lot that are illegally constructed and don't meet code but this is required to meet code. Commissioner Wilkins asked if we were enforcing code. Planning Director Gabryszak replied we are enforcing, the question is do we keep enforcing, do we want to allow them, do we allow in an overlay zone, there are a lot of things to work through. Commissioner Wilkins asked what the benefit for the building codes was for separate units and the need for retrofitting. Planning Director Gabryszak replied it was for safety. She gave an example of a way to simply retrofit the HVAC. The separation protects both the renter and the owner.

Commissioner Steele asked about the definition for Accessory Dwellings. It's a two family residential dwelling. Other cities put them only in medium density areas. She doesn't want them in low density areas; we don't want low density areas to become a duplex area. Commissioner Wilkins agreed with that. There are other things to be considered, what about covenants in subdivisions. She believes we need to put a zone in that would accommodate it without retroactively affecting neighborhoods. She thinks we need to talk about family's definition, she also sees a parking problem when there could be up to four adults in the ADU. City Attorney Thurman noted it could not be more than 4 in a group home but reasonable accommodations need to be made. Commissioner Steele thought if we restricted to 4 or more unrelated we needed to change our code. City Attorney Thurman noted we want to establish a process where they can come in and demonstrate a need for reasonable accommodation. He would recommend leaving it where it is. Commissioner Steele commented that right now we are subsidizing the illegal units; they do not pay impact fees. Planning Director Gabryszak commented that we would have impact fees for the ADU's. Commissioner Steele said we base our costs off of what our ERU's are, now we are making it to where it could be two ERU's. Not everyone is going to have one or want one, but in the future more and more may want to do that, especially if we get a college out here, we need to think ahead on that. She asked if anyone had thought about the tax consequences. We aren't doing any favors if we don't require building permits. If people put the work in for an apartment without a building permit their homeowners insurance may not pay if there is an accident in that area. Also without a permit it may cause issues when trying to sell. How many of these units would over impact their circuits without proper building permits. They need to make sure they have enough to handle extra electronics and appliances. It would be easier with a separate zone so houses could be built so it would be an easy retrofit. If you put a basement apartment in it could be 1000 sq. ft. then if you had a home occupation then it would take another 1/3 of the home, at what point does it become incidental.

Commissioner Wilkins asked if the City had asked why ADU's were not allowed now. Planning Director Gabryszak noted right now it is not allowed because of omission from the code. Anything not in the code is not allowed. CCR's can be stricter than the City Code.

Commissioner Williamson tends to be in favor of being able to allow these, he agrees we need building codes on this but just because we restrict it doesn't stop people from doing it. If we do it we need to do it carefully and focus on impacts to the neighbors but make it as simple as possible for those that want to do it, otherwise they just won't comply and we will have all the problems all over the city. He goes back and forth on the designated zone, if we restrict it to a specific zone there should be some type of evaluation for

those that have been doing it to allow them to continue to do so aboveground. Senior Planner Carroll commented that if they are doing it illegally chances are they are not going to want to work with the city. We don't know how it's going to go, it will be challenging. Commissioner Williamson commented that we could have a process so if they have been doing it we can show them what they need to do to become legal. City Attorney Thurman mentioned that in concept its great but in order to see if something meets codes they would have to rip off the walls and see the electrical and HVAC and things. City Manager Christensen noted that we want to make sure it's safe which is why we need to inspect it. We could restrict it to new neighborhoods. Commissioner Williamson said those currently doing it will continue, it would be better to have them come above ground legal than be underground. City Manager Christensen thinks there are different ways to address it based on which way the community and feels.

Commissioner Cunningham is concerned with parking spaces; he thinks one space is not enough. The minimum lot size should be more than 6000 sq. ft. he would like to see it in medium density more than low density. 1000 sq. ft. is great for the size limit; 400 sq. ft. seems small but doable. He likes the idea that they need to be separate units, completely self-contained. He was curious about the Good Landlord Program. City Manager Christensen advised that the Utah Rentals Assoc. has partnered with legislation that helps identify costs of administrating rentals. Landlords can get membership and training and education and get discounts on Business License fees. Hopefully this will provide a higher quality of tenant. They do background checks and help with bad situations. Commissioner Cunningham asked if there are disputes does the city get involved. City Manager Christensen replied no, it is a civil matter.

Commissioner Kilgore likes the idea of containing this in a particular zone but it's not practical. The other residents in other zones are going to be tempted to do this anyway. One way is to look at the definition of a family. He mentioned case law from NY. It was found to be discrimination to limit unrelated vs. family. City Attorney Thurman responded that it's hard to apply NY laws to UT but we can define what a family is, but at least allow 4 unrelated people to live together. City Manager Christensen noted this number was debated heavily by the university towns, they were trying to come to a consensus and 4 was the number it fell on. Commissioner Kilgore remarked that if we allow it in certain zones then it becomes an enforcement issue for those in other zones that want to do this. Residents are only hurting themselves by not getting the proper permits; but there should be a way for everyone to become legal.

Commissioner Funk does go along with the idea that owners should be able to do what they want to do but they are limited by what the rules and regulations are. He would lean toward allowing this, but we shouldn't say that only the new people/builds are allowed. It wouldn't be fair to those currently in those zones. You would have to do a separate zone for that, it would only be new construction, it would certainly be limited, but you would recognize it was not allowed where you were and that it was restricted for a reason. He would want the new restrictions that would protect not only the owner but the apt. dweller.

Commissioner Steele asked what they found on neighborhood covenants, Planning Director Gabryszak noted they had not finished that yet. Commissioner Steele mentioned there is something coming down the road that you can't restrict renting to a convicted felon.

Senior Planner Carroll added that not all fair housing requirements apply to ADU's. You can be more restricted with just one unit. City Manager Christensen also noted that with the Good Landlord Program you can restrict it to Owner occupied. Commissioner Steele asked could a renter that rents the whole house come under the good landlord program. City Manager Christensen replied they could.

6. Work Session: Discussion of Code and Vision.

Planning Director Gabryszak noted that on the ADU discussion, they appreciate the comments and this is a very rough draft, it's not iron clad, it's not final language. She commented that they needed to write some code for signs for parks, and that will be coming soon.

7. **Approval of Minutes:**

a. **May 26, 2016**

Motion made by Commissioner Williamson to approve the minutes of May 26, 2016. Seconded by Commissioner Cunningham. Aye: Sandra Steele, David Funk, Hayden Williamson, Kirk Wilkins, Ken Kilgore, Troy Cunningham. Motion passed 6 - 0.

8. **Reports of Action.** None

9. **Commission Comments.** None

10. **Director's Report:**

a. **Council Actions** - Passed budget, approved Presplit pea with solid fence. Western Hills continued. Approved a resolution regarding pending ordinance.

b. **Applications and Approval**

c. **Upcoming Agendas** - next meeting will have more code work sessions. Discount Tire, Annexation Plan Public Hearing,

d. **Other** – hoping to have a consultant chosen for General Plan Update.

11. **Motion to enter into closed session.** No closed Session.

12. **Meeting Adjourned at 7:51 p.m. by Chairman Kirk Wilkins**

23 JUNE 2016

Date of Approval


Nicolette Fike, Deputy City Recorder




Planning Commission Chair
Kirk Wilkins